



4/29/2009

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Attorney(s) for Plaintiff, DANIEL USON

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DANIEL USON, an individual

Plaintiff,

v.

LITTON LOAN SERVICING, LP., a limited
partnership; QUALITY LOAN SERVICE, a
corporation; LIME FINANCIAL SERVICES,
LTD., a corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: C09-01312 JW (PVT)

NOTICE OF DISMISSAL OF ENTIRE
ACTION WITHOUT PREJUDICE
PURSUANT TO RULE 41(a) or (c) F.R.Civ.P.

PLEASE TAKE NOTICE THAT this action is dismissed by Plaintiff DANIEL USON in
its entirety without prejudice.

This dismissal is made pursuant to Rule 41(a) or (c) of the Federal Rules of Civil
Procedure.

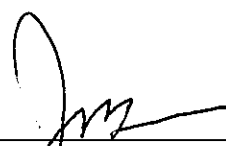
Plaintiff has the absolute right to dismiss the action by filing a notice of dismissal before
the opposing party serves either an answer or a motion for summary judgment. Fed. Rules Civ.
Pro. § 41(a)(1)(A)(i); see, Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 Fed. 3d.
1074, 1077 (9th Cir. 1999) ("A court has no discretion to exercise once a Rule 41(a)(1) dismissal is
filed.").

1 Voluntary dismissal presumed "without" prejudice unless plaintiff's notice of dismissal
2 states otherwise. Fed. Rules Civ. Pro. § 41(a)(1)(A), *see Pedrina v. Chun*, 987 Fed. 2d 608, 610,
3 *fn. 3* (9th Cir. 1993).

4 Plaintiff's absolute right to dismiss before an answer or a summary judgment motion is not
5 affected by the amount of effort expended by defendant or how far the lawsuit has advanced. *See*
6 American Soccer Co., Inc. v. Score First Enterprise, 187 Fed. 3d 1108, 1110-1112 (9th Cir. 1999).

7 DATED: April 27, 2009

BANDER LAW FIRM LLP

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11 JOEL R. BANDER
12 Attorneys for Plaintiff
13 DANIEL USON

14 **IT IS SO ORDERED:**

15 The Court terminates any remaining deadlines, hearings and motions. The Clerk shall close this file.

16 Dated: April 29, 2009

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18 United States District Judge
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